

### **IN THE CLAIMS**

Please amend the claims as follows:

1-11. (Canceled)

12. (Original) An assembly comprising:

at least one lead adapted to apply electrical energy to patient;

a monitoring circuit adapted to monitor electrical function of a heart;

a therapy circuit adapted to deliver electrical energy through the at least one lead, wherein the therapy circuit includes one or more capacitors, each including:

a case having an inner surface including an upper inner surface and a lower inner surface:

a capacitor stack disposed within the case, the capacitor stack including a plurality of cathode stacks and a plurality of anode stacks; and

the plurality of anode stacks including a first anode stack disposed adjacent to the upper inner surface, the first anode stack including at least one conductive layer having a major surface, the major surface confronting the upper inner surface of the case; and

a separator between the upper inner surface and the major surface.

13. (Original) The assembly as recited in claim 12, the plurality of anode stacks including a second anode stack disposed adjacent to the lower inner surface, the second anode stack including at least one conductive layer having a major surface, the major surface confronting the lower inner surface of the case.

14. (Original) The assembly as recited in claim 12, wherein the plurality of anode stacks comprise etched anode stacks.

15. (Original) The assembly as recited in claim 12, wherein the case comprises at least 98% aluminum.

16-39. (Canceled)

40. (New) The assembly of claim 12, wherein the case is at least partially etched and is adapted to be an active cathodic element servicing one or more anodes of the capacitor stack.

41. (New) An assembly comprising:  
at least one lead adapted to apply electrical energy to patient;  
a monitoring circuit adapted to monitor an electrical function of a heart of the patient;  
a therapy circuit adapted to deliver electrical energy through the at least one lead, wherein the therapy circuit includes one or more capacitors, each capacitor including:  
an aluminum case; and  
a capacitor stack mounted within the aluminum case, the capacitor stack including one or more anodes and one or more cathodes, one of the one or more anodes and one or more anodes attached to the aluminum case, wherein the case is adapted be an active anode or cathode layer to functionally service the capacitor stack.

42. (New) The assembly of claim 41, wherein the case is etched and is adapted to be an active cathodic element servicing one or more anodes of the capacitor stack which are adjacent the case.

43. (New) The assembly of claim 41, wherein the case is adapted to be an active anodic element.

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44. (New) An assembly comprising:
- at least one lead adapted to apply electrical energy to patient;
  - a monitoring circuit adapted to monitor an electrical function of a heart of the patient;
  - a therapy circuit adapted to deliver electrical energy through the at least one lead, wherein the therapy circuit includes one or more capacitors, each capacitor including:
    - at least one anode stack including one or more anode conductive layers and an anode separator;
    - at least one cathode stack including one or more cathode conductive layers and a cathode separator;
    - at least one separator disposed between the anode stack and the cathode stack, each at least one anode stack stacked with the cathode stack to form a capacitor stack; and
    - a capacitor case sized to receive therein the capacitor stack, the capacitor case including a conductive surface, and one or more of the anode conductive layers electrically coupled with the conductive surface of the capacitor case.
45. (New) The assembly of claim 44, wherein the capacitor case comprises an etched capacitor case.
46. (New) The assembly of claim 44, wherein one or more of the anode conductor layers includes an exposed edge coupled with the capacitor case.
47. (New) The assembly of claim 44, wherein the one or more anode conductive layers is coupled to the capacitor case by an elongated tab.
48. (New) The assembly of claim 44, wherein the case comprises at least 98% aluminum.
49. (New) The assembly of claim 44, wherein the capacitor case comprises an etched capacitor case of at least 99.99% aluminum.

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50. (New) An assembly comprising:
- at least one lead adapted to apply electrical energy to patient;
  - a monitoring circuit adapted to monitor an electrical function of a heart of the patient;
  - a therapy circuit adapted to deliver electrical energy through the at least one lead, wherein the therapy circuit includes one or more capacitors, each capacitor including:
    - at least one anode stack including one or more anode conductive layers and an anode separator, the one or more conductive layers including an exposed outer anode edge;
    - at least one cathode stack including one or more cathode conductive layers and a cathode separator;
    - at least one separator disposed between the anode stack and the cathode stack, each at least one anode stack stacked with the cathode stack to form a capacitor stack;
    - an etched capacitor case sized to receive therein the capacitor stack, the capacitor case including a conductive surface, and the exposed outer anode edge electrically coupled with the conductive surface of the capacitor case;
    - a cathode feedthrough coupled with at least one cathode stack, the cathode feedthrough extending through and is insulated from an opening of the case; and
    - each of the cathode conductive layers is defined in part by a cathode edge surface, and each of the anode conductive layers is defined in part by an anode edge surface, and the cathode edge surface is offset from the anode edge surface.
51. (New) The assembly of claim 50, wherein the case comprises at least 98% aluminum.
52. (New) The assembly of claim 50, wherein the capacitor case comprises at least 99.99% aluminum.

PRELIMINARY AMENDMENT

Serial Number: Unknown

Filing Date: Herewith

Title: FLAT CAPACITOR HAVING AN ACTIVE CASE

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Docket No: 279.235US2

Conclusion

Claims 1-11 and 16-39 are hereby canceled and claims 40-52 are added. Claims 12-15 and 40-52 are pending. Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully Submitted,

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Date of Deposit: October 20, 2004

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